

(Rev. 4/77)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Ronald E. Proctor Jr

(Enter above the full name of the plaintiff in this action)

v.

q/c Boston ETAL,
q/c Watson

RA NO: 04-1111-111

Sgt Washington

(Enter above the full name of the defendant(s) in this action)

Emergency Motion
Exception

Added 4-1-05
MAJOR Cunningham III
Brian Engstrom ETAL,

Amended: 4-1-05

I Previous lawsuits

A. Have you begun other lawsuits in state or federal courts dealing with the same facts involved in this action or otherwise relating to your imprisonment?
YES ☒ NO ☐

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs ABT

Defendants ABT

2. Court (if federal court, name the district; if state court, name the county)

D. Del.

3. Docket number

11-01421-01

4. Name of judge to whom case was assigned

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit

7. Approximate date of disposition

II. A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ☒ No ☐

C. If your answer is YES,

1. What steps did you take?

Wrote Grievance w/ Dismissal
- Inmate Issue

2. What was the result?

Nothing

D. If your answer is NO, explain why not

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ☒ No ☐

F. If your answer is YES,

1. What steps did you take?

Wrote LA. US Dept of
Justice Gov. Minors of LA

2. What was the result?

Requires AN IN ACTIONS

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff

Ronald E. Proctor Jr

Address

1181 Gaddick Rd Smy DE 19977

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and place of employment of any additional defendants.)

B. Defendant

C/O Boston C/O Watson SGT Washington

is employed as

All employed at C/O S/H/4 Supd.

C. Additional Defendants

TO BE SET IN ORDER

GARY M. MASON CUNNINGHAM III
DR JOHN DOE

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph.

Use as much space as you need. Attach extra sheet if necessary.)

① ON 11-10-2002 I INCURRED A BROKEN
CHINA PLATE SHARD AS A DIRECT RESULT OF
EXCESSIVE USE OF FORCE BY C/O BOSTON AND WATSON
AND SGT WASHINGTON AND BY AND ALLOWED A 200
POUND C/O BOSTON STAMP A CHAIR INTO MY BACK
TO PREVENT MY BODY FROM COMING OUT AS C/O
WATSON DID PULL MY BODY THROUGH BY HIT-
ING ONTO THE KIDNEY AREA. I HAVE MS A-3

COAT STAINING & Pain

- ② C/O Boston Slammed the Cell door INTO my Right Shoulder Area AS C/O was pulling my Right Arm out of Cell
- ③ in A MANNER THAT WAS INTENDED TO Cause HARM AND SGT. Worthington did stand by AND Allow this TO HAPPEN!
- ④ THEREAFTER I R — Forced Testimony, And MASTER Cunningham HAD me put ON STRIP CELL NAKED SEE ATTACHED Exhibit, from 11-10-02 TO 11-27-03 And Both
- ⑤ I/O's And C/O's observed this And knew MASTER Cunningham did Issue A MEMORANDUM. Memo TO do so. AS Retaliatory Means TO Barring of my Cell door TO prevent further Injuries. By C/O's.
- ⑥ SEE ATTACHED AFFIDAVIT of Plaintiff EXH A-1
- ⑦ SEE ATTACHED U.S. Dept of Justice AND JUST. CRIM. Showing CASE IS Imminent Danger EXCEPT Exhibits B(1) thru B-6

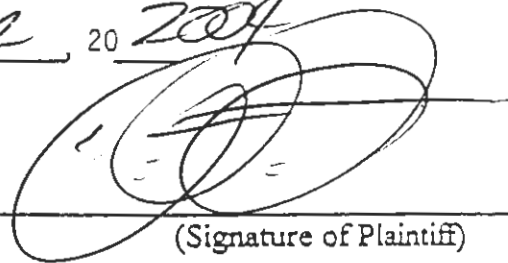
⑧ Beion Engram for & Deriv of ANYTHING
From Jow Tib from 2-3-05 TO DATE 2-1-05

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.)

\$500.00 for Interest Refused!

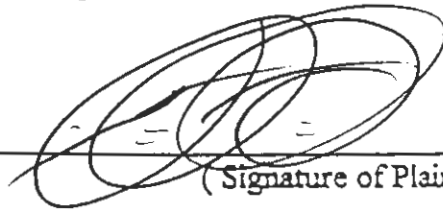
Signed this 31 day of October, 202004



(Signature of Plaintiff)

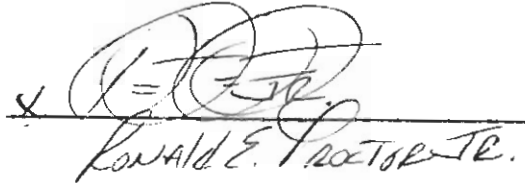
I declare under penalty of perjury that the foregoing is true and correct.

10-31-04
Date



(Signature of Plaintiff)

Amended 4-1-05

x 
RONALD E. PROCTOR JR.

State of Delaware

Affirmation of
Oath

[Signature]
Notary Public

County of New Castle

SS.

AFFIDAVIT

I, RON [Signature], being first duly sworn, deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at 11-12-02 located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described hereina. I would clearly state under penalty of perjury of the laws of the State of Delaware.

FROM 11-12-02 TO 11-27-02 I WAS
HELD IN ISOLATION UNIT 18CH-3 AND DURING
THIS TIME PERIOD I WAS EXPOSED TO DAILY
ANT BITES ATTACKS BITES. I REPORT NUMEROUS
INCIDENTS TO 12-8 SWIFT WHO WROTE INCIDENT
REPORTS / WORK ORDERS ETC.

FOR 15 DAY THE EXPOSURE WAS BOTH
PHYSICAL AND PSYCHOLOGICAL UPON MY PERSON.

ALL OF MY REQUESTS TO BE MOVED OR
PREVENTED FROM FURTHER BITES ATTACKS WERE
NOT RESPONDED AND ALL CJS WERE AWARE AS WAS
IT'S ON ALL 3 SHIFTS AT GARDEN WELCOME CENTER.

I WAS SLEEPING ON MATRESS ON THE FLOOR
WITH NO COVER OF BED FROM
FLAT OF CEMENT OF FLOOR
AND TEMPS WERE 50'S
THE EVERY DAY.

[Signature]
Signature
Print Name
Delaware Correctional Center
Smyrna, Delaware 19977

SWORN TO AND SUBSCRIBED before me this 6th day of September, 2002.

My Commission Expires

EXHIBIT A

[Signature]
Notary Public

STATE OF DELAWARE
COUNTY OF NEW CASTLE

Affidavit Statement of:
RONALD E. PROCTOR JR.

Re: C.A. NO. 04-1441-JJF

STATEMENT

I, RONALD E. PROCTOR JR., under penalty of Perjury
The foregoing is TRUE AND CORRECT AS THE GENATIVES OF
Perjury.

1.) I AM Plaintiff, IN Proctor V. BOSTON ETAL.,
C.A. NO. 04-1441, AND I HAVE INCURRED PERSONAL INJURY IN
THE INCIDENT OF EXCESSIVE USE OF FORCE AGAINST MY
PERSON BY THE DEFENDANTS IN THE ACTION BEFORE THIS COURT.

2.) THAT DEFENDANTS IN THE ACCELERATED
CASE BEFORE THIS COURT PRESENT AN IMMINENT DANGER
EXCEPTION AND THE ALLEGATIONS COMPLETED THEREIN UNDER
SHOW EXCESSIVE USE OF FORCE WAS USED AND I SUSTAINED
PERSONAL INJURY AS A DIRECT RESULT THEREOF.

3.) I AM INHIBITED AND I CANNOT PAY
THE COST OF THESE PROCEEDINGS. AND I AM ENTITLED TO
RELIEF.

UNDER THE PENALTY OF PERJURY
THE FOREGOING IS TRUE AND CORRECT
THIS 1ST DAY OF APRIL 2005.

RONALD E. PROCTOR JR.
1181 OAKWOOD
SMYTH PPM-969
28 USA 31746

EXHIBIT "A"-1



U.S. Department of Justice

United States Attorney's Office
District of Delaware

Rec
12/22/02

Chase Manhattan Centre (302) 573-6277 Ext. 136
1201 Market Street, Suite 1100 FAX (302) 573-6220
P.O. Box 2046
Wilmington, Delaware 19899-2046

December 19, 2002

Via First Class U.S. Mail

Ronald Proctor, Jr.
Delaware Correction Center
SBI No. 1633750
1181 Paddock Road
Smyrna, DE, 19977

RE: FOIA Request

Dear Mr. Proctor:

All FOIA requests directed to this office must be forwarded to the Executive Office for United States Attorney's in Washington. I am, therefore, forwarding your request of December 19, 2002, to that office.

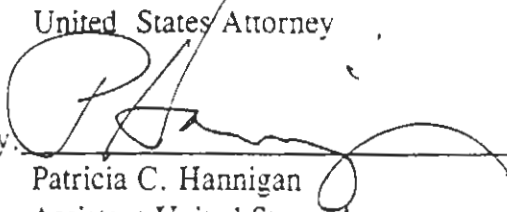
If you have any questions, they should be directed to:

The FOIA Unit
BICN Bldg., Room 7100
600 E. Street, N.W.
Washington D.C. 20530

Very truly yours,

COLM F. CONNOLLY
United States Attorney

By:


Patricia C. Hannigan
Assistant United States Attorney

PCH:cm

cc: EOUSA/FOIA-PA Unit

Exhibit B

INTERNAL AFFAIRS UNIT

December 18, 2002

1/21/03

M E M O R A N D U M

TO: Inmate Ron Proctor
SBI #163750
Delaware Correctional Center

FROM: James J. Lupinetti, Director *JJ*
Internal Affairs Unit

SUBJECT: Your Letter of Complaint

Upon review of your letter, I must inform you that I find no cause for an internal Affairs investigation.

This matter is being forwarded to Ronald Drake, Institutional Investigator, D.C.C. A decision on your letter will be rendered at the institutional level.

JL:en

CC: Misc. #M061 File ✓

1 of 1

B-1

LAW OFFICES

CONNOLLY BOVE LODGE & HUTZ LLP
1220 MARKET STREET
P.O. Box 2207
WILMINGTON, DELAWARE 19899

TELEPHONE (302) 658-9141
FACSIMILE (302) 658-5614

www.cbhlhllaw.com

WASHINGTON OFFICE
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425
TELEPHONE: (202) 331-7111
FACSIMILE: (202) 293-6229

December 20, 2002

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HAROLD PEZZNER
RICHARD M. BECK (DC BAR)*
PAUL E. CRAWFORD
STANLEY C. MACEL, II
HENRY E. GALLAGHER, JR.
GEORGE PAZUNIAK
N. RICHARD POWERS
BURTON A. AMERNICK (DC BAR)*
MORRIS LISS (DC BAR)*
STANLEY B. GREEN (DC BAR)*
RICHARD DAVID LEVIN
JOHN A. CLARK, III
JEFFREY B. BOVE
JAMES J. WOODS, JR.
COLLINS J. SEITZ, JR.
GEORGE R. PETTIT (DC BAR)*
EDWARD F. EATON
CHARLES J. DURANTE
MICHAEL K. NEWELL
PATRICIA SMINK ROGOWSKI
MARY W. BOURKE
ROBERT G. McMCORROW, JR. (PA BAR)
R. ERIC HUTZ
ARTHUR G. CONNOLLY, III
WILLIAM E. McSHANE (PA BAR)
JAMES D. HEISMAN
JEFFREY C. WISLER
ASHLEY I. PEZZNER
KAREN C. BIFFERATO
GERARD M. O'Rourke
FRANCIS DIGIOVANNI
SAMUEL D. BRICKLEY II

ARTHUR G. CONNOLLY
PARTNER EMERITUS
WERNER H. HUTZ
1944-1970
JANUAR D. BOVE, JR.
1949-1991
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M. EDWARD DANBERG
WAYNE C. JAESCHKE (NY BAR)
WILLIAM C. BERGMANN (PA BAR)*
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JAMES M. OLSEN
ERIC J. EVAIN
GREGORY J. WEINIG
DANIEL C. MULVENY
MICHELLE McMAHON
CHRISTOS T. ADAMPOPOULOS
MAX B. WALTON
DANIEL J. HARBISON
ELLIOT C. MENDELSON
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LARRY J. HUME (DC BAR)*
JOSEPH BARRERA (DC BAR)*
REDMOND L. CLEVELAND, JR.
LIZA O. HOCHENSCHUTZ (PA BAR)
MARK E. FREEMAN
THOMAS M. RIZZO (DC BAR)
GWENDOLYN M. LACY
BRIAN J. HAIRSTON (VA BAR)*
C. KEITH MONTGOMERY (VA BAR)*
ZHUN LU (NJ BAR)

* RESIDENT WASHINGTON OFFICE
DELAWARE BAR UNLESS OTHERWISE
DESIGNATED

Ron Proctor
SBI # 63750, Unit 19DL
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Dear Mr. Proctor:

I was court-appointed to represent Ken Reeder. I am not available to take another case at the present time.

Sincerely,


Arthur G. Connolly, Jr.

AGCjr:jac



U.S. Department of Justice

*United States Attorney's Office
District of Delaware*

*Rec
12/22/02*

*Chase Manhattan Centre (302) 573-6277 Ext. 156
1201 Market Street, Suite 1100 FAX (302) 573-6220
P.O. Box 2046
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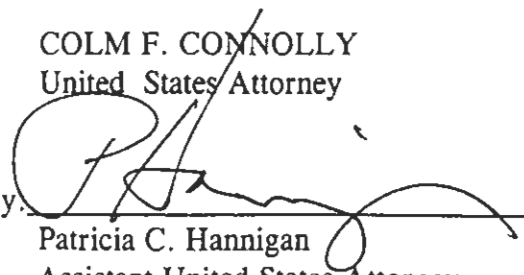
If you have any questions, they should be directed to:

The FOIA Unit
BICN Bldg., Room 7100
600 E. Street, N.W.
Washington D.C. 20530

Very truly yours,

COLM F. CONNOLLY
United States Attorney

By:


Patricia C. Hannigan
Assistant United States Attorney

PCH:cm

cc: EOUSA/FOIA-PA Unit

B-3

FORM #584

GRIEVANCE FORM

Cher 7/10/04

Inmate Copy

FACILITY: DCC-SHU

DATE: 6-25-04

GRIEVANT'S NAME: RON PROCTOR

SBI#: 163250

CASE#: 4828

TIME OF INCIDENT: 6-24-04 @ 1:45 PM

HOUSING UNIT: 21C46

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

ON 6-24-04 I WAS GIVEN
A 24 HR ORDER FOR FAILURE TO OBEY ORDER
BY CO. WATSON.
THIS IS AN ILLEGAL REPORT DONE
IN A PRECIPITATE MANNER AND NOT
CORRECT. MY DOOR WAS JOCKED
BY THOMPSON AND I'M BRANSON AYERS

ACTION REQUESTED BY GRIEVANT:

Remove 24 from I/m

GRIEVANT'S SIGNATURE: [Signature]

DATE: 6-25-04

WAS AN INFORMAL RESOLUTION ACCEPTED?

_____(YES)

_____(NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____

DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

RECEIVED

JUL 02 2004

Inmate Grievance Office

April '97 REV

B-4

Inmate Copy

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

SUMMARY DISCIPLINARY REPORT

The following sanctions were imposed by Summary Disciplinary Action on the indicated:

Offender Name: Bonald Proctor ID#: 00 163750
Institution: Delaware Correctional Center Location: May 21 CLC
Sanction Start Date: 6/23/04 Time: 1240 End Date: 6/24/04 Time: 1240
Violation Description: 200.108 Failure to Obey

Sanctions Imposed: _____

Inmate's Signature

Staff Witness' Signature



Shift Supervisor Notified

21240
(Time)

NOTE: This is a copy of the original report in the inmate's file.
CONFIDENTIAL

CONT Q. 2 #103

ALL VIEWED THIS THEN SHE
DENIED ME TO GO TO JAIL
JOB UNLESS MY DOOR WAS
CLOSED MY DOOR.

SHE DID ALL OF THIS
ILLEGALLY AND STARTED
ALLEGATION THAT I'M ESCAPING
HAD TO ~~SET~~ BREAK UP
BY STANDING BETWEEN
US.

Q